

Appendix B

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

Letitia Rudision

versus

MD Anderson Cancer Center

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CIVIL ACTION NO. _____

ORIGINAL COMPLAINT

Plaintiff age 61, was assigned more work than plaintiff's younger coworkers with the same title, overburdening and overwhelming plaintiff setting the plaintiff up to fail. Plaintiff was then written up and terminated for work performance violation. Younger coworkers with the same title, were given special privilege to change their work schedules, however, management did not afford plaintiff the same opportunity. Younger/newer coworkers were given promotions and opportunities for promotions, however, plaintiff, yet qualified, was never considered or chosen for any promotions. Plaintiff was retaliated against by management, after being removed from Med/Surg team, by new leadership, and placed on a different team due to reorganization, this was done after plaintiff made new leadership aware of management's discriminatory and unfair treatment of over burdening plaintiff with an excessive workload, far greater than younger coworkers with the same title. As a result, management, retaliated against plaintiff by "demanding" plaintiff come back to work on previous team on "temporary" bases to help their team. Only to overburden the plaintiff with an even greater workload and began writing plaintiff up, to justify the retaliation and termination. No official documentation was ever provided to informing plaintiff that plaintiff's position had ever been officially moved backed to previous team. Therefore, technically plaintiff should not have been terminated without consulting, notification or approval from plaintiff's official Supervisor at the time. In addition, management included in the termination letter that the plaintiff was not eligible for rehire, despite plaintiff's 39+ years of service, without any prior incidents! The actions of the Supply Chain Management and Sourcing and Contracts management created a hostile, toxic and stressful work environment causing plaintiff extreme anguish, anxiety, mental and emotional work-related stress. Even after an appeal to be retained as a Sourcing Specialist, neither management or senior leadership took any actions to discuss or consider plaintiff's request to collaborate with all parties to development a mutually agreed upon corrective action plan that aligns with the institution's core values.

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

Houston Division

Letitia Rudison

Case No. _____

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

MD Anderson Cancer Center

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Letitia Rudison
Street Address	4127 E Peachfield Circle
City and County	Houston, Harris
State and Zip Code	Texas 77014
Telephone Number	832-654-9488
E-mail Address	Lrudison1960@yahoo.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	MD Anderson Cancer Center
Job or Title <i>(if known)</i>	Supply Chain Management/Sourcing and Contracts
Street Address	1515 Holcombe Blvd
City and County	Houston, Harris
State and Zip Code	Texas, 77030
Telephone Number	(713) 792-2121
E-mail Address <i>(if known)</i>	

Defendant No. 2

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 3

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 4

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name	MD Anderson Cancer Center
Street Address	1515 Holcombe Blvd
City and County	Houston, Harris
State and Zip Code	Texas, 77030
Telephone Number	(713) 792-2121

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to *(check all that apply)*:

☐ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

☒ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

☐ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

☐ Other federal law *(specify the federal law)*:

☐ Relevant state law *(specify, if known)*:

☐ Relevant city or county law *(specify, if known)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☐ Failure to hire me.
- ☐ Termination of my employment.
- ☒ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☒ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☐ Other acts *(specify)*: _____

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)
10/15/2020, 3/24/2021, 6/24/2021, 12/23/2021

C. I believe that defendant(s) *(check one)*:

- ☐ is/are still committing these acts against me.
- ☒ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☐ race _____
- ☐ color _____
- ☐ gender/sex _____
- ☐ religion _____
- ☐ national origin _____
- ☒ age *(year of birth)* 1960 *(only when asserting a claim of age discrimination.)*
- ☐ disability or perceived disability *(specify disability)* _____
-

E. The facts of my case are as follows. Attach additional pages if needed.

1. Plaintiff, age 61, was assigned more work by Supervisor, Toya Owens Shepard in Sourcing and Contracts, Med/Surg team at MD Anderson Cancer Center, Supply Chain Management Department, than plaintiff's younger coworkers with the same title, overburdening and overwhelming plaintiff.
 2. Plaintiff was then written up and terminated for work performance violation. Younger coworkers with the same title, were given special privilege to change their work schedules, however, Supervisor, Toya Owens Shepard, did not permit plaintiff the same opportunity.
 3. Younger/newer coworkers were given promotions and opportunities for promotions, however, plaintiff, yet qualified, was never considered or chosen for any promotions. (see attached)
-

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on *(date)*

6/18/2022

- B. The Equal Employment Opportunity Commission *(check one)*:

☐

has not issued a Notice of Right to Sue letter.

☐

issued a Notice of Right to Sue letter, which I received on *(date)* 11/01/2022.

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct *(check one)*:

☒

60 days or more have elapsed.

☐

less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

- Texas Retirement System (TRS) Lump Sum amount of \$174,066.48
 - Yearly bonus for two years, approximately 10% of salary at the time of termination, \$20,200 est.
 - Longevity Pay at monthly rate of \$320 for two years, totaling \$7,680
 - Two years vacation pay at rate plaintiff was receiving at the time of termination, 27 hours monthly for a total of 648 hours, totaling \$25,272
 - Two years' salary at yearly rate of \$103,000, totaling \$206,000
 - Mental, emotional and physical stress and anxiety due to work related stress from toxic work environment created by management - compensation in the amount of \$200,000 (See Attached)
-

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 01/19/2023

Signature of Plaintiff Letitia Rudison

Printed Name of Plaintiff Letitia Rudison

B. For Attorneys

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Street Address _____

State and Zip Code _____

Telephone Number _____

E-mail Address _____

Additional Facts of my case are as follows.

1. Plaintiff age 61, was assigned more work by Supervisor, Toya Owens Shepard in Sourcing and Contracts, Med/Surg team at MD Anderson Cancer Center, Supply Chain Management Department, than plaintiff's younger coworkers with the same title, overburdening and overwhelming plaintiff.
2. Plaintiff was then written up and terminated for work performance violation. Younger coworkers with the same title, were given special privilege to change their work schedules, however, Supervisor, Toya Owens Shepard, did not permit plaintiff the same opportunity.
3. Younger/newer coworkers were given promotions and opportunities for promotions, however, plaintiff, yet qualified, was never considered or chosen for any promotions.
4. Plaintiff was retaliated against by management, Cyita Johnson, Assistant Director and Aileen Maze Director, Sourcing and Contracts, Clinical team at MD Anderson Cancer Center, Supply Chain Management Department after being removed from their team, by new leadership, and placed on a different team due to reorganization, after plaintiff made new leadership aware of management's discriminatory and unfair treatment of over burdening plaintiff with an excessive workload, far greater than younger coworkers with the same title.
5. As a result, Aileen Maze, retaliated against plaintiff by "demanding" plaintiff come back to work on the Clinical team on "temporary" bases to help their team. Only to overburden the plaintiff with an even greater workload and began writing plaintiff up, to justify the retaliation and termination.
6. However, there was never any official documentation provided informing plaintiff that my position had been officially moved backed to Aileen's team. Therefore, technically plaintiff should not have been terminated without consulting, notification or approval from plaintiff's official Supervisor at the time, Glenn Lewis, Contract Manager.
7. In addition, management included in the termination letter that the plaintiff was not eligible for rehire, despite the fact the plaintiff had given over 39 years of service to MD Anderson Cancer Center and had no prior incidents of this magnitude nor any unlawful work-related incidents of any kind during the plaintiff's 39 years of service!
8. The actions of the Supply Chain Management and Sourcing and Contracts management created a hostile, toxic and stressful work environment causing extreme anguish, anxiety, mental and emotional work-related stress.
9. Even after an appeal to be retained as a Sourcing Specialist, neither management or senior leadership took any actions to discuss or consider plaintiff's request to collaborate with all parties to development a mutually agreed upon corrective action plan that aligns with the institution's core values.

Relief Cont'd:

- Texas Retirement System (TRS) Lump Sum amount of \$174,066.48
- Yearly bonus for two years, approximately 10% of salary at the time of termination, \$20,200 est.
- Longevity Pay at monthly rate of \$320 for two years, totaling \$7,680
- Two years vacation pay at rate plaintiff was receiving at the time of termination, 27 hours monthly for a total of 648 hours, totaling \$25,272
- Two years' salary at yearly rate of \$103,000, totaling \$206,000
- Mental, emotional and physical stress and anxiety due to work related stress from toxic work environment - compensation in the amount of \$200,000

Grand Total Amount Seeking: \$633,218.48

Plaintiff is seeking the above damages because plaintiff was discriminated against because of plaintiff's age, treated unfairly, retaliated against, targeted and wrongfully terminated by plaintiff's supervisor and

management at MD Anderson Cancer Center, Supply Chain Management/Sourcing and Contracts Department. Had MD Anderson, Supply Chain Management/Sourcing and Contracts Department not taken these adverse actions of discrimination, retaliation and termination, plaintiff would have been able to continue employment and worked at least an additional 18 months to 2 years to obtain plaintiff's full retirement benefits.



BEST AVAILABLE COPY
U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Houston District Office
1919 Smith Street, 6th Floor
Houston, TX 77002
(346) 327-7700
Website: www.eeoc.gov

DETERMINATION AND NOTICE OF RIGHTS

(This Notice replaces EEOC FORMS 161 & 161-A)

Issued On: 10/19/2022

To: Ms. Letitia D. Rudison
4127 E Peachfield Cir
HOUSTON, TX 77014
Charge No: 460-2022-04902

EEOC Representative and email: Terangelo Davis
Federal Investigator
terangelo.davis@eeoc.gov

DETERMINATION OF CHARGE

The EEOC issues the following determination: The EEOC will not proceed further with its investigation and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

NOTICE OF YOUR RIGHT TO SUE

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice.** Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

If you file a lawsuit based on this charge, please sign-in to the EEOC Public Portal and upload the court complaint to charge 460-2022-04902.

On behalf of the Commission,

Digitally Signed By: Rayford O. Irvin
10/19/2022

Rayford O. Irvin
District Director

Cc:

Please retain this notice for your records.

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974 See enclosed Privacy Act Statement and other information before completing this form		Charge Presented To: Agency(ies) Charge No(s): <div style="display: flex; justify-content: space-between;"> EEOC 460-2022-04902 </div> <div style="display: flex; justify-content: space-between;"> FEPA </div>	
Texas Workforce Commission Civil Rights Division		and EEOC	
<i>State or local Agency, if any</i>			

Name (indicate Mr., Ms., Mrs.) Ms. Letitia D. Rudison	Home Phone (832) 654-9488	Year of Birth 1960
Street Address 4127 E Peachfield Cir HOUSTON, TX 77014		
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)		
Name UT MD ANDERSON CANCER CENTER	No Employees, Members 501+ Employees	Phone No (512) 321-3991
Street Address 1515 HOLCOMBE BLVD HOUSTON, TX 77030		
Name	No Employees, Members	Phone No
Street Address City, State and ZIP Code		

DISCRIMINATION BASED ON Age, Retaliation	DATE(S) DISCRIMINATION TOOK PLACE <div style="display: flex; justify-content: space-between;"> Earliest Latest </div> <div style="display: flex; justify-content: space-between;"> 03/24/2021 12/23/2021 </div>
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THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

On or about May 1998 I was rehired by UT MD Anderson Cancer Center as an Application System Specialist in Supply Chain Department. On or about November 2014, I applied and was hired as a Sourcing Specialist by Claudia Kennon and Greg Coaston in the Sourcing and Contracts IT team of Supply Chain Department. On or about April 2017, Aileen Maze approached me and requested that I join her team, the Med Surg Team as a Sourcing Specialist. I agreed to join Aileens team and was assigned to Cyita Johnsons team. I worked on Aileens team until on or about November 2019. At which time the Department experienced a reorganization by the new Director, John Joshua and I was reassigned to Greg Coastons team, reporting to Glenn Lewis. However, shortly after my reassignment, per Greg Coaston, Aileen Maze requested that I rejoin her team on TEMPORARY bases to help her team because one of her team members was out on maturity leave. At that time, on or about December 2019 Toya Owens Shepard, Contract Manager became my manager, and she assigned me more work than the younger employees. On or about March 24, 2021, I received a performance counseling due to my work performance. At that time, I informed and complained to Ms. Shepard and Aileen Maze, Director that I was receiving more work than the younger employees. However, no long-term solutions were ever provided, and my concerns went unanswered. On or about September 20, 2021, I sent an email to HR complaining that I continued to receive more work. Subsequently, I was terminated December 23,

I want this charge filed with both the EEOC and the State or local Agency, if any I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures I declare under penalty of perjury that the above is true and correct. Digitally Signed By: Ms. Letitia D. Rudison 10/17/2022 <div style="text-align: center;"><i>Charging Party Signature</i></div>	NOTARY – When necessary for State and Local Agency Requirements I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)
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EEOC Form 5 (11/09)

<p align="center">CHARGE OF DISCRIMINATION</p> <p align="center">This form is affected by the Privacy Act of 1974 See enclosed Privacy Act Statement and other information before completing this form</p>	<p>Charge Presented To: Agency(ies) Charge No(s):</p> <p align="center">EEOC 460-2022-04902</p> <p align="center">FEPA</p>
<p align="center">Texas Workforce Commission Civil Rights Division and EEOC</p> <p align="center"><i>State or local Agency, if any</i></p>	
<p>2021. Please note that my manager, Toya Owens Shepard informed me for weeks and even days, prior to my termination, that my work performance had improved, and she appreciated my work ethics. In addition, there was not any specific incident that occurred to warrant my termination. I believe that I was retaliated against for engaging in a protected activity and discriminated against because of my Age (62), in violation of the Age Discrimination in Employment Act of 1967 (ADEA), as amended.</p>	

<p>I want this charge filed with both the EEOC and the State or local Agency, if any I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures</p>	<p>NOTARY – When necessary for State and Local Agency Requirements</p>
<p>I declare under penalty of perjury that the above is true and correct.</p> <p>Digitally Signed By: Ms. Letitia D. Rudison</p> <p>10/17/2022</p> <p align="right"><i>Charging Party Signature</i></p>	<p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</p> <p>SIGNATURE OF COMPLAINANT</p> <p>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)</p>



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Houston District Office
1919 Smith Street, 6th Floor
Houston, TX 77002
(346) 327-7700
Website: www.eeoc.gov

NOTICE OF CHARGE OF DISCRIMINATION

(This Notice replaces EEOC FORM 131)

10/19/2022

To: UT MD ANDERSON CANCER CENTER
1515 HOLCOMBE BLVD
HOUSTON, TX 77030

This is notice that a charge of employment discrimination has been filed with the EEOC against your organization by Letitia D Rudison under: The Age Discrimination in Employment Act of 1967 (ADEA), Title VII of the Civil Rights Act of 1964 (Title VII). The circumstances of the alleged discrimination are based on Age, Retaliation, and involve issues of Discipline, Discharge that are alleged to have occurred on or about 12/23/2021.

The Digital Charge System makes investigations and communications with charging parties and respondents more efficient by digitizing charge documents. The charge is available for you to download from the EEOC Respondent Portal, the EEOC's secure online system.

Please follow these instructions to view the charge within ten (10) days of receiving this Notice:

1. Access the EEOC's secured online system at <https://arc.eeoc.gov/rsp/login.jsf>
2. Enter this EEOC Charge No.: 460-2022-04902
3. Enter this password: [REDACTED]

Once you log into the system, you can view and download the charge, and electronically submit documents to EEOC. The system will also advise you of possible actions or responses and identify your EEOC point of contact for this charge.

If you are unable to log into the EEOC Respondent Portal or have any questions regarding it, you may send an email to HoustonIntake@EEOC.GOV.



U.S. Equal Employment Opportunity Commission
Notification & Acknowledgement of Dual-Filed Charge

(This Notice replaces EEOC FORM 212-A)

10/18/2022

EEOC Number: 460-2022-04902

FEPA Number:

This is notice that a charge of employment discrimination, Ms. Letitia D. Rudison v. UT MD ANDERSON CANCER CENTER was initially received by Houston District Office on 10/17/2022 and will be dual-filed with Texas Workforce Commission Civil Rights Division.

Pursuant to the worksharing agreement, the Houston District Office intends to Investigate Charge.

The Texas Workforce Commission Civil Rights Division acknowledges receipt of the referenced charge, Ms. Letitia D. Rudison v. UT MD ANDERSON CANCER CENTER, and intends to Defer Investigation.

Issued by:
Houston District Office

Issued on:
10/18/2022

Acknowledged by:
Texas Workforce Commission Civil Rights Division

Acknowledged on:
10/18/2022